

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SAMANTHA MORENO and
RACHEL MORENO, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JOSE G. MORENO,

Respondent-Appellant,

and

ANGELA MARIE HERNANDEZ,

Respondent.

UNPUBLISHED

April 4, 2006

No. 265059

Ottawa Circuit Court

Family Division

LC No. 01-040615-NA

Before: Smolenski, PJ, and Owens and Donofrio, JJ.

MEMORANDUM.

In this appeal, respondent-appellant, Jose G. Moreno, appeals by right from the trial court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). Because respondent does not contest the statutory grounds for termination and the best interests of the minors supports termination, we affirm.

Respondent-appellant does not contest that there existed statutory grounds for termination of his parental rights. Instead, respondent-appellant argues that, despite grounds for termination, there was evidence that termination would not be in the children's best interests. Once the trial court finds at least one statutory ground for termination by clear and convincing evidence, the court must order termination of parental rights unless the court finds that termination is clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). The trial court's decision regarding a child's best interests is reviewed for clear error. *Id.* A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re Conley*, 216 Mich App 41, 42; 549 NW2d 353 (1996).

We have carefully reviewed the lower court record and hold that the trial court did not clearly err in finding that the children's best interests did not preclude termination of respondent-appellant's parental rights. The trial court gave careful consideration to the fact that respondent-appellant had not adequately addressed his substance abuse, depression and deficient parenting skills. Respondent-appellant was not in a position to provide his daughters with a safe and stable environment. There was no evidence that, despite the existence of grounds for termination, termination was clearly not in the children's best interests. We find no error in the termination of parental rights.

Affirmed.

/s/ Michael R. Smolenski

/s/ Donald S. Owens

/s/ Pat M. Donofrio